

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, June 1, 2000

Division Five

**A087115 -- In re Jessica D., a Person Coming Under the Juvenile Court Law.**

The order terminating parental rights is affirmed. Jones, P.J. We concur: Stevens, J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, June 2, 2000

Division One

**A089000 -- The People v. David Fred LeBoulanger.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A088515 -- Timothy Hager v. Bank of America NT & SA**

By the Court: The petition for rehearing is denied. Strankman, P.J.

Division Two

**A084614 -- The People v. Maxx Donevick Wilson.**

The judgment is affirmed. Haerle, J. I concur: Ruvolo, J. (SEE CONCURRING OPINION of Kline, P.J.) (Not for Publication.)

Division Five

**A084455 -- The People v. Angel Ortiz Diamond.**

The judgment is affirmed. Kramer, J.\* We concur: Jones, P.J., Stevens, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, June 5, 2000

Division One

**A088977 -- The People of the State of California v. Danny Wimbley**

By the Court: Appellant's motion filed May 18, 2000 to recall the remittitur and restore appeal to active status. The remittitur issued May 5, 2000 is ordered stricken. The clerk of the Alameda County Superior court is directed to return the certified copy of the remittitur for cancellation.

Upon this court's cancellation of said remittitur, the appeal will be restored to active status and the appellant's opening brief shall be served and filed within 30 days. Strankman, P.J.

Division Four

**A088634 -- In re Dontre S. et al., Persons Coming Under the Juvenile Court Law.**

The order is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J.  
(Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Monday, June 5, 2000

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J. and Marchiano, J.; N. Millner, Deputy Clerk; and P. McPhillips, Court Security.

- A088535     Estate of Mary G. Mangiaracina.  
               John M. Travnicek,  
               v.  
               The Charles R. Mangiaracina Trust, et al.  
Cause called and argued by John Roake, counsel for appellant, and Paul M. Hoff, counsel for respondent Charles R. Mangiaracina Trust, via teleconference. Cause ordered submitted.
- A085602     The People,  
               v.  
               Murray Carter.  
Cause called and argued by Sandy R. Feinland, counsel for appellant, and Gregory Ott, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A087886     Vacaville Seventh-Day Adventist Church, et al.  
               v.  
               Solano County Board of Supervisors, et al.  
Cause called and argued by Fred M. Blum, counsel for appellant, and Dennis W. Bunting, Deputy County Counsel, counsel for respondents. Cause ordered submitted.
- A088187     Provident Life and Accident Insurance Co., et al.,  
               v.  
               Rudolf V. Isch.  
Cause called and argued by A. Charles Dell'Ario, counsel for appellant; Duane C. Musfelt, counsel for respondent Pucci; and Laura E. Fannon, counsel for respondent Provident Life and Accident Insurance Co. Cause ordered submitted.

A084160/ Christopher Meyer, et al.

A084397 v.

Joan Targ, et al.

Cause called and argued by Tony J. Tanke, counsel for appellants, and Marc G. Hynes, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Monday, June 5, 2000

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; B. Robbins, Deputy Clerk; and CHP Officer L. Lara, Bailiff.

- A089427      Ricardo Leyva,  
                         v.  
                         A.C. Newland, et al.  
Cause called and argued by Ricardo Leyva, appellant in pro per, via teleconference, and Scott C. Mather, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A073986/  
A089112      The People,  
                         v.  
                         Aaron Lyndale Cooper, et al.  
Cause called and argued by Stephen Bedrick, counsel for appellant Cross; Michael Satris, counsel for appellant Cooper, and Rene A. Chacon, Deputy Attorney General, counsel for respondent. Attorney Bedrick also argued the habeas corpus petition on behalf of Cross (A089112). Cause ordered submitted.
- A089543      Angel Gonzalez, et al.,  
                         v.  
                         Denny's Inc., et al.  
Cause called and argued by Henry A. Wirta, Jr., counsel for appellants, and Jay R. Dove, counsel for respondents. Cause ordered submitted.

At this point in the proceedings, Justice Stein left the bench and Justice Marchiano joined the bench for the remainder of the afternoon session.

A088556      Redwood City Dodge,  
                         v.  
                         Larry D. Yenowine;  
                         Labor Commissioner of the State of California.  
                         Cause called and argued by Kimberly K. Mays, counsel for appellant, and  
                         Anne J. Rosenzweig, counsel for respondent. Cause ordered submitted.

A088710      Ralph V. Lim.  
                         v.  
                         City and County of San Francisco, et al.  
                         Cause called and argued by Ralph V. Lim, appellant in pro per, and  
                         Carolyn Oill, counsel for respondent, via teleconference. Cause ordered  
                         submitted.

Court recessed until Tuesday, June 6, 2000 at 9:00 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, June 6, 2000

Division One

**A086122 -- The People v. Sione John Lulu.**

The conviction is affirmed and the judgment is reversed as to sentencing alone. The case is remanded for resentencing in accordance with our directions. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

**A087364 -- The People v. David Brubach.**

Order Modifying Opinion [Change in Judgment]

The Court: It is ordered that the opinion filed on May 26, 2000, be modified as follows: The disposition should be modified to state: "The judgment is reversed as to the conviction for perjury. The judgment is otherwise affirmed." Haerle, Acting P.J.

**A086485 -- The People v. Calvin Walker.**

There are no other arguable issues which require further briefing and the judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Four

**A084577 -- Ellen Laferty Wright v. First American Title Insurance.**

The judgment and the post-judgment order on the motion for attorney's fees are affirmed, with costs to First American. First American's cross-appeal is dismissed as moot. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)



Tuesday, June 6, 2000 (continued)

Division Five

**A089808 -- In re Jason S., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a ward of the court (Welf. & Inst. Code, § 602) and the subsequent finding that he violated the court's orders are affirmed. The court's disposition that appellant be placed in his mother's home under the supervision of the probation department and that he serve a period of confinement in the electronic monitoring program also is affirmed. Jones, P.J. We concur: Stevens, J. Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A083894 -- The People v. Quincy A. Landingham.**

The order requiring the payment of public defender fees is stricken. Jones, P.J. We concur: Stevens, J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Tuesday, June 6, 2000

The Court reconvened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., and Swager, J.; N. Millner, Deputy Clerk; and CHP Officer S. Aldridge, Bailiff.

A087240      Lawndale Medical Clinic,  
                  v.  
                  Bay Area Cellular Telephone Company.

Curtis,  
v.  
Bay Area Cellular Telephone Company.  
Cause called and argued By the Court: John D. Franklin, attorney for appellant, and Dennis Faucher, attorney for respondent. Cause ordered submitted.

A087979      Sidney Hendricks, et al.,  
                  v.  
                  Fred Grange.  
Cause called and argued By the Court: Sidney Hendricks, counsel for appellants, and Todd C. Hedin, counsel for respondent. Cause ordered submitted.

A087866      Raymond Dunkin,  
                  v.  
                  Lisa Boskey.  
Cause called and argued By the Court: Richard J. Simons, counsel for appellant, and Terrence Patrick Murphey, counsel for respondent. Cause ordered submitted.

A086836      Division of Labor Standards Enforcement,  
                  v.  
                  Christopher Albert, et al.  
Cause called and argued By the Court: Alice Conway, counsel for appellants, and Douglas Nareau, counsel for respondent. Cause ordered

submitted.

A086018

Griffin Dix, et al.,

v.

Beretta U.S.A. Corp .

Cause called and argued By the Court: Johnathan Lowy, counsel for appellants, and Richard Gebhardt, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, June 7, 2000

Division One

**A090468 -- Heidi B. v. The Superior Court of Mendocino County;  
Mendocino County Department of Social Services, R.P.I.**

The challenged orders comply with the applicable statutes and are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for June 21, 2000. Therefore, our decision is final in this court immediately. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A085056 -- The People v. Jerome Jones.**

The judgment is affirmed with directions to modify the judgment pursuant to the preceding paragraph. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A085602 -- The People v. Murray Carter.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Wednesday, June 7, 2000 (continued)

Division Two

**A088530 -- In re Lisa A., a Person Coming Under the Juvenile Court Law.**

The orders denying the motion for modification and terminating parental rights are affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

**A089360 -- The People v. Antonio Sanchez.**

We have reviewed the record in its entirety and find no errors in the proceedings. The judgment and sentence are affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Division Four

**A086936 -- L. Gordon Jahnke et al. v. Lee McGraw et al.**

We affirm the judgment in its entirety. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A089600 -- The People v. Percy Reed, Jr.**

The judgment is affirmed. Stevens, J. We concur: Jones, P.J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

## MINUTES

### COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION THREE

Wednesday, June 7, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Corrigan J., Walker, J., and C. Turner, Deputy Clerk.

- A088434      In re Noah S.,  
                 Social Services  
                 agency,  
                 v.  
                 Kathy T.,  
                 Cause called and argued by Jill A. Fordyce, counsel for appellant, and  
                 Anthony Scarr, Deputy County Counsel, counsel for respondent. Cause  
                 ordered submitted.
- A084539      Ophelia Y. Moore, et al.,  
A086144      v.  
                 Kaiser Foundation Hospitals, Inc., et al.,  
                 Cause called and argued by Jerry Henry Gonzales, counsel for appellant,  
                 and Philip Stephen Ward, counsel for respondents. Cause ordered  
                 submitted.
- A088578      Betty Karris, et al.,  
A089372      v.  
                 E.G. Craig, et al.,  
                 Cause called and argued by Richard Thomas Bowles, counsel for appellant,  
                 and Debra L. Nolan, counsel for respondent Jamil Abu-Hamdeh. Cause  
                 ordered submitted..

Justice McGuiness stated that the panel on the following case is comprised of Corrigan, J., Parrilli, J., and Walker J.

- A090732 Michelle J.,  
v.  
The Superior Court,  
Social Services Agency, et al.,  
Cause called and argued by Faith Jansen, counsel for petitioner, and  
Jacqueline Y. Woods, Deputy County Counsel, counsel for Social Services  
Agency. Cause ordered submitted.
- A082424 Henrietta Mitchell,  
v.  
Sequoia Ventures, Inc.,  
Cause called and argued by Lloyd F. LeRoy, counsel for appellant, and  
Ronald Frank Lopez, counsel for respondent. Cause ordered submitted.
- A086834 Whites Creek Land & Development Inc., et al.,  
v.  
Patricia Austen, et al.,  
Cause called and argued by Michael Brooks Carroll, counsel for appellant,  
and Anna Kapetanakos, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MIINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, June 7, 2000

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Parrilli, J., Walker, J., and I. Calanoc, Deputy Clerk.

A085452     The People,  
                 v.  
                 Timothy H. Canale.  
Cause called and argued by William Such, counsel for appellant; and  
Deputy Attorney General Donna Chew, counsel for respondent. Cause  
ordered submitted.

A086453     William Sexton et al.,  
                 v.  
                 Eric Dahl.  
Cause called and argued by Gregory Dahl, counsel for appellant; and Gary  
Garfinkle, counsel for respondents. Cause ordered submitted.

A085075     Guy F. Atkinson Company  
                 of California,  
                 v.  
                 Franchise Tax Board.  
Cause called and argued by Roy Crawford, counsel for appellant; and  
Deputy Attorney General David Lew, counsel for respondent. Cause  
ordered submitted.

A087446     Allan Altura et al.,  
                 v.  
                 Shelfbond Trust, A.G., Inc.  
Cause called and argued by Stuart Clark, counsel for appellant; and John  
Schreiber, counsel for respondents. Cause ordered submitted.

COURT ADJOURNED



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, June 8, 2000

Division One

**A088252 - In re Estate of Clyde M. Mayes/George R. Mayes v. Dee  
Dee Arnold et al.**

Because the trial court's findings that George Mayes obtained the will through undue influence on his father while in a confidential relationship supports the judgment, the judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

Division Two

**A085271 -- Mario R. Juarez v. Boy Scouts of America, Inc. et al.**

Order Granting Request for Publication. The Court: The request by respondents Boy Scouts of America, Inc. and San Francisco Bay Area Council, Boy Scouts of America to publish the above-entitled opinion in its entirety is granted. Pursuant to California Rules of Court, rules 976 and 978, the entire opinion filed May 12, 2000, is ordered published in the official reports. Kline, P.J.

**A085617 -- Blossum Lum Jang v. State Farm Fire and Casualty Co.**

Order Modifying Opinion. The Court: It is ordered that the opinion filed herein on May 24, 2000, be modified in the following manner: (SEE ORDER) There is no change in the judgment. Kline, P.J. (Not for Publication.)

**A085266 -- In re Phillip R., a Person Coming Under the Juvenile Court  
Law.**

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday, June 8, 2000 (continued)

**A085913 -- Thomas J. Culligan III et al. v. State Compensation Insurance Fund.**

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Certified for Partial Publication.)

**A086964 -- Seiler & Company, LLP v. Elaine J. Weingartner.**

The judgment is affirmed. Costs on appeal are awarded to respondent. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A091347 -- Oscar Gilbert Mewborn, et al. v. The Superior Court of Solano County; The People of the State of California.**

By the Court: The petition for writ of mandate/prohibition is denied. Haerle, Acting P.J.

Division Three

**A089710 -- The People v. Angela Marie Parkinson.**

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

**A089010 - The People v. Ronald Leroy Carson.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A089444 - The People v. Martin Bozeman.**

We have independently reviewed the entire record, and find no errors or issues requiring further briefing. Affirmed. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Thursday, June 8, 2000 (continued)

Division Four

**A084883 - Gail C. French v. California Casualty Management Company.**

Order Modifying Opinion and Denying Rehearing [Change in Judgment]  
The Court: It is ordered that the opinion filed herein on May 11, 2000, be modified as follows: (SEE ORDER) The petitions for rehearing are denied. This modification changes the judgment. Hanlon, P.J. (Not for Publication.)

Division Five

**A090025 -- Sherwood Valley Rancheria v. The Superior Court of Mendocino County; Friends of East Willits Valley, R.P.I.**

The order to show cause is discharged, and the petition for writ of mandate is denied. Costs are awarded to real party in interest, Friends of East Willits Valley. Kramer, J.\* We concur: Jones, P.J., Stevens, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, June 9, 2000

Division One

**A084367 -- Joseph Naegele v. R.J. Reynolds Tobacco Company, et al.**

**A084371 -- Richard Donaldson v. R.J. Reynolds Tobacco Company, et al.**

To summarize, we conclude that amended section 1714.45 was prospective and applicable only to causes of action accruing on or after its effective date, January 1, 1998. Appellants' causes of action accrued no later than 1996 and 1997, when they were diagnosed with lung cancer. Former section 1714.45 barred their lawsuits, and the trial court did not err in sustaining respondents' demurrers without leave to amend. We affirm the judgments. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Certified for Publication.)

**A088535 -- John Travnicek v. St. Appolinaris Catholic Church.**

The order is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Three

**A083198 -- The People v. Raffey Michael James.**

The judgment is affirmed. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Certified for Partial Publication.)

**A085452 -- The People v. Timothy Canale.**

The judgment is affirmed. Parrilli, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Friday, June 9, 2000 (continued)

**A088434 -- In re Noah S., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Corrigan, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

Division Five

**A085462 -- Mission Housing Development Company et al. v. City and County of San Francisco.**

Order Certifying Opinion for Partial Publication and Denying Rehearing. The Court: It is ordered that the opinion filed herein on May 11, 2000, be certified for publication with the exception of part IIA. Appellants' petition for rehearing is denied. Jones, P.J. (Certified for Partial Publication.)

**A087354 -- The People v. George Lucchesi, Jr.**

The judgment is affirmed. Jones, P.J. We concur: Stevens, J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, June 12, 2000

Division One

**A089543 -- Angel Gonzalez et al. v. Denny's, Inc., et al.**

The order is affirmed. Plaintiffs' request for attorney fees on appeal is denied. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A087240 -- Cellular Phone Cases.**

The appeal by Franklin and Franklin is dismissed. The order is affirmed. The request for sanctions is denied. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A086836 - Division of Labor Standards Enforcement v. Christopher Albert et al.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A087498 -- The People v. Russell Fata.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A087979 -- Sidney J. Hendricks v. Fred C. Grange; Dennis R. Horne**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Thursday, June 12, 2000 (continued)

**A087971 --James C. Vicars v. Reel, Inc., et al.**

The order disqualifying counsel is affirmed. Marchiano, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A089427 -- Ricardo Leyva v. A.C. Newland et al.**

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

**A088187 -- Provident Life and Accident Insurance Company v. Rudolf V. Isch.**

The judgments in favor of Provident and Pucci are affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A084500 -- The People v. Sergio Martinez Ponce.**

The judgment is affirmed. Stein, J. I concur: Strankman, P.J. (SEE CONCURRING OPINION of Poché, J.) (Not for Publication.)

**A088710 -- Ralph V. Lim v. City & County of San Francisco et al.**

Accordingly, the judgments are affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

**A087916 -- The People v. Obet T. Rios.**

Accordingly, the judgment is affirmed. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A076892 -- United Services Automobile Association v. Patricia A. McColm.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Monday, June 12, 2000 (continued)

**A088136 -- In re Angel G., a Person Coming Under the Juvenile Court Law.**

Accordingly, there are no issues that require further briefing and the judgment is affirmed. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A091366 -- In re David A. Brown on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Petitioner must first seek relief, if any, in Orange County Superior Court and then review in the Fourth District Court of Appeal. Haerle, Acting P.J.

Division Three

**A088578 and A089372 -- Betty Karris et al. v. Jamil Abu-Hamdeh et al.**

The judgment of dismissal in respondents' favor and the award of attorney fees to respondents are reversed. This matter is remanded to the trial court for further proceedings consistent with this opinion. Respondents to bear costs of appeal. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

**A087446 -- Alan Altura et al. v. Shelfbond Trust, A.G., Inc.**

The trial court order denying appellant's motion to set aside the default judgment entered against it is affirmed. Respondents shall recover their costs on appeal. Walker, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A085075 -- Guy F. Atkinson Company of California v. Franchise Tax Board.**

The judgment is affirmed. The Board shall recover its costs on appeal. Walker, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A082700 -- The People v. George Lincoln Coats.**

The judgment is affirmed. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)



Monday, June 12, 2000 (continued)

Division Five

**A087299 -- The People v. Troy Smith.**

The order is affirmed. Kramer, J.\* We concur: Jones, P.J., Stevens, J.  
(Certified for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A088376 -- Central California Power Agency No. 1 v. County of Lake**

The judgment is affirmed. Costs to respondent. Kramer, J.\* We concur: Jones, P.J., Stevens, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, June 13, 2000

Division One

**A090633 -- Hung Nguyen et al. v. Al Baldini et al.**

By the Court: Appellant's motion filed May 25, 2000 to vacate the dismissal order that this court issued on May 15, 2000 and reinstate the above-captioned appeal is denied. Strankman, P.J.

**A088408 -- Maria Hollander et al. v. Edith Spark Hollander**

By the Court: The motion filed May 24, 2000 from Attorney Julia P. Wald to withdraw as attorney of record in the above-captioned appeal is hereby granted.

Respondent's are to serve and file their brief within 60 days from the date of this order. Strankman, P.J.

Division Two

**A085630 -- Ralph Salcido et al. v. Pacific Weathershield, Inc.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J.  
(Not for Publication.)

**A087368 -- In re Christopher H., a Person Coming Under the Juvenile Court Law.**

This appeal is dismissed without reaching its merits because the issues have been rendered moot. Each party to bear its own costs. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A084195 -- The People v. Delbert K. Jones.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J.  
(Not for Publication.)

Tuesday, June 13, 2000 (continued)

**A091384 -- In re Kelvin J. Evans on Habeas Corpus.**

The petition for writ of habeas corpus is denied. Petitioner has failed to show that the claims presented in this petition were raised in the trial court and ruled on by the trial court. Haerle, Acting P.J.

**A088845 -- The People v. Curtis Perry.**

The order revoking appellant's probation and imposing his previously suspended sentence is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Division Three

**A090732 -- Michelle J. v. The Superior Court of Contra Costa County; Quincshon J., a Minor, and Contra Costa County Social Services Department, R.P.I.**

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The request for stay of the section 366.26 hearing, which is set for June 14, 2000, is denied. Our decision is final immediately. (Cal. Rules of Court, rule 24(d).) Corrigan, J., Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A085306 -- The People v. Donald Erskine Green**

By the Court: The petition for rehearing is denied. McGuinness, P.J.

Division Four

**A083871 -- Corina Huezo v. ABM Janitorial Services--Northern California.**

The judgment is affirmed. Poché, Acting P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Tuesday, June 13, 2000 (continued)

**A085549 -- Sally Meta Walters v. California Department of Transportation et al.**

The judgment is affirmed. Poché, Acting P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A087220 -- ML Media Partners, L.P. etc. v. Kirk Siendentopf et al.**

The order declining to award fees is reversed. Costs on appeal are awarded to appellant. Jones, P.J. We concur: Stevens, J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, June 14, 2000

Division One

**A089970 -- In re Linda Lopez on Habeas Corpus**

By the Court: The petition for writ of habeas corpus is denied. The clerk of this court is directed to file a copy of this order in A087721. Stein, Acting, P.J.

**A087721 -- The People v. Linda Lopez.**

We find no violation of the *Arbuckle* rule in the present case. Accordingly, the judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

**A088556 -- Redwood City Dodge v. Larry Yenowine; Labor Commissioner of the State of California.**

Judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

**A086295 -- The People v. Samuel Kenneth Lloyd.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Wednesday, June 14, 2000 (continued)

**A086805 -- In re Dante R., a Person Coming Under the Juvenile Court Law.**

The judgment is reversed with directions to the trial court to conduct an in camera hearing consistent with this opinion. If the in camera examination by the court does not reveal discoverable information that could lead to admissible evidence helpful to appellant's defense, the trial court shall reinstate the judgment and the sentence. If the in camera hearing reveals discoverable evidence that could lead to admissible evidence helpful to appellant in defending against the charge against him, the trial court shall permit the requested discovery and order a new trial. Lambden, J. We concur: Kline, P.J., Ruvalo, J. (Not for Publication.)

Division Three

**A088946 -- In re David M., a Person Coming Under the Juvenile Court Law.**

There are no meritorious issues to be argued. The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Division Four

**A079720 -- The People v. Luis Vargas.**

The judgment is affirmed. Reardon, J. We concur: Poché, Acting P.J., Sepulveda, J. (Not for Publication.)

**A083660 -- Fred Fields v. Wilbur-Ellis Company.**

**A083647 -- Marion Gauthier v. Wilbur-Ellis Company.**

**A081887 -- Vincent L. Kannon v. Wilbur-Ellis Company.**

**A081927 -- Dorothy B. Stephens v. Wilbur-Ellis Company.**

**A081939 -- Hortense Wright v. Wilbur-Ellis Company.**

The judgments for respondent are all affirmed, with costs to respondent in all of the appeals. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)

Wednesday, June 14, 2000 (continued)

**A088297 -- The People v. Frank Limon Ortega et al.**

The judgments are affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Division Five

**A088355 -- Geneva Towers Limited Partnership v. City and County of San Francisco.**

The judgment of dismissal is affirmed. Stevens, J. We concur: Jones, P.J., Kramer, J.\* (Certified for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Wednesday, June 14, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J., and I. Santos, Deputy Clerk.

A085992 Richard U. Lealao,  
v.  
Beneficial California, Inc.  
Cause called and argued by Robert Goldstein, counsel for appellant, and Ronald Ryland, counsel for respondent. Cause ordered submitted.

A084086 Bronson, Bronson & McKinnon,  
v.  
Amparo S. Haskell et al.  
Cause called and argued by John Cullen, counsel for appellant, and Joel D. Adler, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Kline leaves the bench and Justice Ruvolo joins the bench for the last case on calendar.

A086566 Nancy L-M, et al.,  
v.  
Richard Marcantonio.  
Cause called and argued by Tony Tanke, counsel for appellant, and Ivanka Ackbari, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened in its courtroom at 1:30 p.m. Present: Haerle, Acting P.J., Lambden, J., Ruvolo, J., and I Santos, Deputy Clerk.



- A085103     The People,  
              v.  
              Felipe Carrasco Madueno.
- A085315     The People,  
              v.  
              Jose Alberto Ayon.  
Cause called and argued by John Fresquez, counsel for appellant Madueno, Stephen Antler (via teleconference), counsel for appellant Ayon, and Nanette Winaker, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A086988     Jack Trad,  
              v.  
              Board of Permit Appeals, et al.  
Cause called and argued by John Henning, counsel for appellant, and Thomas Owen, counsel for respondent. Cause ordered submitted.
- A087042     Wagner & Pigozzi, Inc.,  
              v.  
              Liberty Mutual Insurance Company.  
Cause called and argued by Paul Steiner, counsel for appellant, and Frederick Guy Hall, counsel for respondent. Cause ordered submitted.
- A086148     Alexander L. Lawrence,  
              v.  
              District Council of Painters No. 8 et al.  
Cause called and argued by James Eggleston, counsel for appellants, and Charles O. Morgan, counsel for respondent. Cause ordered submitted.
- A086837     CRTA Protect et al.,  
              v.  
              West Contra Costa Unified School District et al.  
Cause called and argued by Robert Bezemek, counsel for appellants, and Joshua Morrison and Patrick Gunn, counsels for respondents. Cause ordered submitted.

**Court recessed until Thursday, June 15, 2000 at 9:30 a.m.**

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, June 15, 2000

Division Two

**A091437 -- In re Roxanne Ari, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. The request for appointment of counsel is denied. Haerle, Acting P.J.

**A085676 -- Margarita Krebs v. County of San Mateo.**

The judgment is affirmed and the County is awarded costs. Lambden, J.  
We concur: Haerle, Acting P.J., Ruvalo, J. (Not for Publication.)

Division Three

**A088778 -- In re Victor A., a Person Coming Under the Juvenile Court Law.**

The orders are affirmed. Parrilli, J. We concur: McGuiness, P.J.,  
Corrigan, J. (Not for Publication.)

**A088735 -- In re Amanda G. et al., Persons Coming Under the Juvenile Court Law.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J.,  
Walker, J. (Not for Publication.)

**A087925 -- The People v. Thomas Ross Teal.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J.,  
Parrilli, J. (Not for Publication.)

Thursday, June 15, 2000 (continued)

**A087875 -- In re Michael C.-S. et al., Persons Coming Under the Juvenile Court Law.**

The orders are affirmed. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

**A085195 -- First Pacific Bank Limited v. The BVY Group, Inc., et al.**

The judgment is affirmed with costs to respondent. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)

**A087332 -- Chris C. Hamer v. Greg A. Hamer**

By the Court: The request of counsel for appellant Greg A. Hamer for publication of this court's May 18, 2000 opinion is granted and it is hereby ordered that said opinion be published in the Official Reports. Hanlon, P.J.

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, June 15, 2000

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P. J., Haerle, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A086760      Maraquita West, M.D.  
                  v.  
                  Superior Court, County of San Francisco  
                  Medical Board of California
- A086927      Maraquita West, M.D.  
                  v.  
                  Medical Board of California  
                  Causes called and argued by Timothy Murphy, counsel for appellant and  
                  Lynne K. Dombrowski, counsel for respondent. Causes ordered submitted.
- A088493      Rene E. Peinado  
                  v.  
                  Board of Pilot Commissioners for the Bays of San Francisco  
                  Cause called and argued by Matthew A. Goodin, counsel for appellant and  
                  Raymond M. Paetzold, counsel for respondent. Cause ordered submitted.
- A087569      Kathleen Murphy  
                  v.  
                  Petsmart, Inc., et al.
- A088193      Kathleen Murphy  
                  v.  
                  John C. Larsen  
                  Causes called and argued by Mark Gangl, counsel for appellant and  
                  Lorraine P. Ocheltree, Richard McNeely and Brian Hafter, counsel for  
                  respondents. Causes ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

A085064 California Correctional Peace Officers' Association, et al.  
v.  
State of California, et al.  
Cause called and argued by Morris Lenk, Deputy Attorney General,  
counsel for appellants and Ronald Yank, counsel for respondents. Cause  
ordered submitted.

A086858 Harold A. Julien  
v.  
County of Alameda  
Cause called and argued by Harold A. Julien, appellant in propria persona  
and E. Crystal Porter, counsel for respondent. Cause ordered submitted.

A087274 Robert Lew  
v.  
National American Bank  
Cause called and argued by Gerald Buckowsky, counsel for appellant and  
Lawrence A. Callaghan, counsel for respondent. Cause ordered submitted.

A088352 Denise Lynette Stevenson  
v.  
County of Alameda, et al.  
Cause called and argued by Timothy Darden, counsel for appellant and  
Caryn Bortnick, counsel for respondent. Cause ordered submitted.

A086241 Redco, LLC  
v.  
Gordan Mathless, et al.  
Cause called and argued by Henry Ku, counsel for appellant and Alfred  
Cabral, counsel for respondents. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, June 16, 2000

Division Two

**A086426 -- The People v. Jaime Cesar Lazcano.**

The appeal is dismissed. Kline, P.J. We concur: Haerle, J., Lambden, J.  
(Not for Publication.)

**A087100 -- World Savings and Loan Association v. Robert M. Romeo.**

The judgment is affirmed. Romeo shall recover his costs on appeal. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

**A089522 -- In re Dante C., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J.  
(Not for Publication.)

**A091421 -- In re Umar Muhammed Ali, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Petitioner must first exhaust his administrative remedies pursuant to the provisions of Administrative Bulletin 95/6, Inmate Name Change Procedure. Haerle, Acting P.J.

**A091408 -- Howard Hershops v. The Superior Court of San Francisco County; 977 Folsom Street Hotel, R.P.I.**

By the Court: The petition for writ of mandate is denied. Haerle, J.

Friday, June 16, 2000 (continued)

Division Three

**A082424 -- Henrietta Mitchell v. Sequoia Ventures, Inc.**

The judgment is affirmed. Corrigan, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A084539 & A086144 -- Ophelia Y. Moore et al. v. Kaiser Foundation Hospitals, Inc. et al.**

The judgments are affirmed. Corrigan, J. We concur: McGuiness, P.J., Walker, J.

**A088137 -- In re Ariel B., a Person Coming Under the Juvenile Court Law.**

Affirmed. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A082751 -- The People v. Freddie Lee Roberson**

By the Court: The petition for rehearing is denied.

**A088522 -- Roger E. Smith v. SHN Consulting Engineers.**

SHN's cross-appeal from the "Ruling on Motion for Attorney Fees" is dismissed. Costs are awarded to Smith. Parrilli, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, June 19, 2000

Division One

**A087143 -- Sandra Melendy v. North American Mortgage Company.**

The judgment is affirmed because respondents satisfied the requirements for summary judgments. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A087708 -- The People v. Frederick Johnson, Jr.**

The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A087337 -- Tony V., a Minor, etc., et al. v. Humboldt County et al.**

By the Court: Petitions for rehearing from both appellant and respondent are denied. Strankman, P.J.

Division Four

**A086174 -- In re Robert H., a Person Coming Under the Juvenile Court Law.**

The order granting the People's motion to dissolve the plea agreement is reversed. The juvenile court's order sustaining the allegations of the Welfare and Institutions Code section 602 petition and its dispositional order in the juvenile matter are also reversed. The matter is remanded to the trial court for further proceedings allowing Robert H. an opportunity to enforce his plea agreement. Reardon, J. We concur: Poché, Acting P.J., Sepulveda, J. (Not for Publication.)



Monday, June 19, 2000 (continued)

**A087001 -- Daniel Wilson, Sr. et al. v. John Crane, Inc.**

The Court: The request of counsel for appellant John Crane, Inc. for partial publication of this court's May 18, 2000 opinion is granted and it is hereby ordered that said opinion be published in the Official Reports with the exception of parts I., II., III., and IV. Reardon, Acting P.J. (Certified for Partial Publication.)

Division Five

**A089039 -- The People v. Wilfredo Savalis Jonk.**

The judgment is affirmed. Kramer, J.\* We concur: Jones, P.J., Stevens, J. (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, June 20, 2000

Division One

**A088748 -- In re Lawrence W., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A086186 -- Matthew James Kennedy v. Yu Chung Lau et al.**

Accordingly, the judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

**A089751 -- In re Danny C., a Person Coming Under Juvenile Court Law.**

The order is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A088159 -- The People v. Enrique Robert Geurts.**

The judgment is affirmed, with direction to correct the typographical error in the abstract of judgment to reflect the conviction on count 7 for violation of Penal Code section 289, subdivision (j) and to include the above sentencing orders. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A088748 -- In re Lawrence W., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

Tuesday, June 20, 2000 (continued)

Division Two

**A078883 -- The People v. Thomas Jerome Dunaway.**

The section 1202.45 parole restitution fine is stricken. In all other respects, the judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A086692 -- The People v. Charles Vasil Statler, Jr.**

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A091197 -- Neil Barton et al. v. The Superior Court of Marin County; Susan Au-Yang, R.P.I.**

The petition for writ of mandate/stay is denied. Haerle, Acting P.J.

**A091436 -- Tutor-Saliba Corporation v. The Superior Court of San Francisco County; City and County of San Francisco, R.P.I.**

By the Court: The petition for writ of mandate/prohibition/stay is denied. Petitioner's request for an order expediting appeal is also denied. Haerle, Acting P.J.

**A078883 -- The People v. Thomas Jerome Dunaway.**

The section 1202.45 parole restitution fine is stricken. In all other respects, the judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A086692 -- The People v. Charles Vasil Statler, Jr.**

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Tuesday, June 20, 2000 (continued)

Division Three

**A089075 -- In re Michael M., a Person Coming Under the Juvenile Court of Law.**

The order adjudicating appellant a continued ward of the court pursuant to section 602 and placing him outside his mother's home is affirmed. Corrigan, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A085627 -- The People v. Dennis Dwayne Barnes.**

Affirmed. Walker, J. We concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A086688 -- The People v. Serpico Ernest Gooden.**

The judgment is modified to reduce the restitution fine to \$200. The order for restitution to the victim's parents is reversed, and the matter is remanded for determination of the proper amount of restitution. The judgment is affirmed. Parrilli, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A090735 -- Teresa S. v. The Superior Court of Del Norte County; Del Norte County Department of Health and Social Services, R.P.I.**

The petition for extraordinary writ is denied on the merits. (§ 366.26, subd. (l); Cal. Rules of Court, rule 39.1B(o); *In re Julie S.* (1996) 48 Cal.App.4th 988, 990-991.) As the section 366.26 hearing is set for June 30, 2000, our decision is final in this court immediately. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, June 21, 2000

Division One

**A087886 -- Vacaville Seventh-Day Adventist Church et al. v. Solano  
County Board of Supervisors et al.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J.,  
Marchiano, J. (Not for Publication.)

**A089708 -- The People v. Joaquin Shaw.**

The order permanently revoking appellant's probation by imposing his  
previously suspended prison term is affirmed. Stein, J. We concur: Strankman,  
P.J., Swager, J. (Not for Publication.)

**A088920 -- The People v. Todd Allen Schuetz.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager,  
J. (Not for Publication.)

Division Two

**A091455 -- In re Charles Huntley, on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Haerle,  
Acting P.J.

Wednesday, June 21, 2000

Division Four

**A087391 -- The People v. Peter Caputo.**

The order of probation is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A088343 -- In re Terrell A., a Person Coming Under the Juvenile Court of Law.**

The dispositional order is affirmed. Poché, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A085531 -- The People v. Jettie Earl Slade.**

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, June 21, 2000

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness, P.J., Corrigan, J., Walker, J., and I. Calanoc, Deputy Clerk.

- A087293      Estate of Louis Joseph, Deceased.  
A088484      Kim Barnum-Smith,  
                 v.  
                 James C. Joseph.  
Cause called and argued by Thomas Roland, counsel for appellant; and Kathleen Moura, counsel for respondent. Cause ordered submitted. Justice McGuiness left the bench after this case and Justice Parrilli took her place on the bench.
- A083293      The People,  
                 v.  
                 Johnnie Simon, III.  
Cause called and argued by Susan Shors, counsel for appellant; and Deputy Attorney General Jeffrey Bryant, counsel for respondent. Cause ordered submitted.
- A085964      The People  
A086486      v.  
                 James Eddie Johnson.  
Cause called and argued by Stephen Donovan, counsel for appellant; and Deputy Attorney General Nanette Winaker, counsel for respondent. Cause ordered submitted.
- A087121      Richard Frazer, et al.  
                 v.  
                 Realty World-Selzer Realty, et al.  
Cause called and argued by Douglas Smith, counsel for appellants; and Thomas Brigham, counsel for respondents. Cause ordered submitted.
- A087828      The Regents of the University of California,

v.

Mary Louise Kenefick.

Cause called and argued by Daniel Siegel, counsel for appellant; and Edward Opton, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED



COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Wednesday, June 21, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Corrigan J., Walker, J., and C. Turner, Deputy Clerk.

A088194      In re the Marriage of Liza and Denez Batiza:  
                 Liza Batiza,  
                 v.  
                 Denez Batiza,  
                 Cause called and argued by Barry Lee Siders, counsel for appellant, and  
                 Edward T. Sullivan, counsel for respondent. Cause ordered submitted.

Court recessed briefly for a file alarm.

A085460      Sam C. Horton, et al.,  
                 v.  
                 City of Oakland, et al.,  
                 Cause called and argued by Alan L. Schlosser, counsel for appellant, and  
                 Marcia Laura Meyers and Armando Gneco Cuellar, counsel for  
                 respondents. Cause ordered submitted.

A084484      Marc Andaya,  
                 v.  
                 Police Commission Of the City and County of San Francisco.  
                 Cause called and argued by Harry Sandel Stern, counsel for appellant, and  
                 Arthur Anthony Hartinger, counsel for respondent.  
                 Justice Parrilli took her place on the bench.  
                 Cause ordered submitted.

A085908      Catherine Haley  
                 v.  
                 Frank Perrone, et al.,  
                 Cause called and argued by Catherine Haley arguing via-tele-conference  
                 and William M. Lukens, counsel for respondent.  
                 Justice McGuiness stated for the record that the panel on this case is  
                 comprised of Justice Walker, Justice Parrilli and Justice McGuiness.  
                 Cause ordered submitted.

Justice Walker left the bench.

A085217 The People,  
v.  
Mills Peninsula Health Services, et al.,  
Cause called and argued by Jonathan Roger Bass, counsel for appellant,  
and James P. Fox, Stephen Sturdevant Mayne, Richard Edward Brandt,  
counsel for respondents. Cause ordered submitted.

A088548 Masonite Corporation,  
v.  
Cal-Wood Door, Inc. et al.,  
Cause called and argued by Edward B. McCutchan, counsel for appellant,  
and Lourdes Lopez, counsel for respondent.

court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, June 22, 2000

Division One

**A085260 -- David Shore v. Bertha Joung et al.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J., Marchiano, J. (Not for Publication.)

**A087615 -- City and County of San Francisco v. Luis Mendez.**

By the Court: Since this court's 5/30/00 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied.

Pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Supreme Court the request for publication, the opinion, and a copy of this order. Strankman, P.J.

**A091120 -- Mattaniah Eytan v. Jonathan Wan.**

By the Court: Appellant having failed to procure the record on appeal within the time allowed or within any valid extensions of time, and having failed to show good cause for relief from default, the appeal filed April 26, 2000, is dismissed. (See Cal. Rules of Court, rule 10(c).) Strankman, P.J.

**A087273 -- Brooks Walker, Jr. et al. v. Franchise Tax Board.**

Order Modifying Opinion and Denying Rehearing (No Change in Judgment)

The opinion filed May 23, 2000, is ordered modified in the following respect: (SEE ORDER) There is no change in the judgment. Appellant's petition for rehearing is denied. Strankman, P.J.

Thursday, June 22, 2000 (continued)

Division Two

**A084117 -- The People v. Tony Domingo Lee.**

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

**A088670 -- In re Starlena R., et al. Persons Coming Under the Juvenile Court Law.**

The order is affirmed. Parrilli, J. We concur: McGuiness, P.J., Walker, J. (Not for Publication.)

**A088295 -- The People v. Johnny Robinson.**

The judgment is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A086469 -- The People v. Charles David Parson, Jr.**

The judgment and sentence imposed are affirmed. McGuiness, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

**A082472 -- Ringler Associates Incorporated v. Maryland Casualty Company.**

By the Court: Appellant's petition for rehearing is denied.

The May 30, 2000 letter from James T. Linford for sua sponte modification of this court's May 23, 2000 opinion is denied. Corrigan, Acting P.J.

Division Four

**A085779 -- The People v. Charles John Walsh.**

The Court: The request for publication of this court's May 24, 2000 opinion is granted and it is hereby ordered that said opinion be published in the Official Reports. Hanlon, P.J. (Certified for Publication.)

Thursday, June 22, 2000 (continued)

**A084904 -- In the Marriage of Jack Rosevear and Carol Rosevear.**

The judgment and order appealed from are affirmed. Costs on appeal to Respondent. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A088150 -- The People v. Rufino Leocadio Vinluan.**

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

**A086009 -- In re Christopher B., a Person Coming Under the Juvenile Court Law.**

The dispositional order is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J.

**A088736 -- In re Natalie J.G. et al., Persons Coming Under the Juvenile Court Law.**

For all the foregoing reasons, the jurisdictional and dispositional orders of the trial court are affirmed. The visitation order is also affirmed as construed herein. Sepulveda, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

**A089248 -- In re William D. et al., Persons Coming Under the Juvenile Court Law.**

The section 388 petitions did not state a prima facie case for modification of the permanent plans. The orders summarily denying the petitions are affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J. (Not for Publication.)

**A085145 -- Nancy Smee et al. v. Kaiser Permanente et al.**

The order appealed from is affirmed. Sepulveda, J. We concur: Poché, Acting P.J., Reardon, J.

Thursday, June 22, 2000 (continued)

Division Five

**A089750 -- In re Jesse M., a Person Coming Under the Juvenile Court Law.**

The order is affirmed. Jones, P.J. We concur: Stevens, J., Kramer, J.\*  
(Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FIVE

June 22, 2000

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J., and Kramer, J. on assignment by the Chief Justice; and Mary P. Quilez, Deputy Clerk.

- A084722     Iris Payne  
                 v.  
                 City of Oakland, et al.  
                 Cause called and argued by Dennis E. Caines, counsel for appellant, and by  
                 Sanford Svetcov, counsel for respondent. Cause ordered submitted.
- A087573     Patrick R. Mahon  
and            v.  
A088454     Pier 39 Limited Partnership  
                 Cause called and argued by Patrick McMahon, appellant in pro per, and by  
                 Glen P. Oleon, counsel for respondent. Cause ordered submitted.
- A087059     Harry Gossard, et al.  
                 v.  
                 Morgridge  
                 Cause called and argued by Gail Y. Norton, counsel for appellant, and by  
                 Alan J. Lazarus, counsel for respondent. Cause ordered submitted.
- A087037     James M. McDermott  
                 v.  
                 Union Pacific Railroad Company  
                 Cause called and argued By the Court: Gilbert L. Purcell, counsel for  
                 appellant, and by Joseph P. Mascovich, counsel for respondent. Cause  
                 ordered submitted.

A087667 Insurance Commissioner  
v.  
Golden Eagle Insurance Corporation  
Cause called and argued By the Court: Helen L. Duncan, counsel for  
appellant, and by James M. Harris, counsel for respondent. Cause ordered  
submitted.

A088044 Esther Brown  
v.  
Donald V. Bradley, et al.  
Cause called and argued By the Court: Frank A. D'Alfonsi, counsel for  
appellant, and by Mark J. Romeo, counsel for respondent. Cause ordered  
submitted.

A089254 Insurance Commissioner  
v.  
Golden Eagle Insurance Company  
Cause called and argued By the Court: Stacey L. Pratt, counsel for  
appellant, and by Richard Sam, counsel for respondent. Submission  
deferred.

A0888818 Darius W. Anderson  
v.  
Steven Gourley, as Director  
Cause called and argued By the Court: Judith J. Loach, Deputy Attorney  
General, counsel for appellant, and by Richard S. Scott, counsel for  
respondent. Cause ordered submitted.

A088347 Louis V. Baesel, et al.  
v.  
Harold J. Rucker  
Cause called and argued By the Court: Harold J. Rucker, appellant in pro  
per, and by Ryan L. Werner, counsel for respondent. Cause ordered  
submitted.

A086336 The People  
v.  
Joe F.  
Cause called and argued By the Court: William M. Balin, counsel for  
appellant, and by Marjo J. Yu, Deputy Attorney General, counsel for  
respondent by teleconference. Cause ordered submitted.



Court adjourned at 12:30 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, June 23, 2000

Division One

**A085615 -- Edward Anderson, et al. v. State of California, Department of Corrections, et al.**

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

**A085366 -- Lisa Kaufman v. Richard Riede, et al.**

The judgment is affirmed. The request for sanctions on appeal is denied. Costs to respondents on appeal. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

Division Two

**A086602 -- Testamentary Trust of Stetson G. Hindes et al. v. S. J. Amoroso Co., Inc., et al.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

Division Three

**A088548 -- Masonite Corporation v. Cal-Wood Door, Inc.**

The order denying the motion to amend the judgment is affirmed. (See fn. 7.) Costs are awarded to respondent. Parrilli, J. We concur: McGuinness, P.J., Corrigan, J. (Not for Publication.)

Friday, June 23, 2000 (continued)

Division Four

**A086226 -- Peter T. Alhorn et al. v. The Superior Court of Alameda County, Homer J. Olsen, Inc., R.P.I.**

The alternative writ previously issued by: this court is discharged. The petition for writ of mandate is denied. Poché, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A088195 -- Giannotti, Inc. v. Joyce Clifford.**

The order denying the motion to quash levy, motion to quash memorandum of costs and motion to vacate judgment is affirmed, with costs on appeal to respondent. Hanlon, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A086301 -- The People v. Angela Carmen Gonzalez.**

The judgment is affirmed. Poché, J. We Concur: Hanlon, P. J., Reardon, J. (Not for Publication.)

Division Five

**A086592 -- The People v. Joseph Raymond Leivas et al.**

The judgments of conviction are affirmed. As to appellant Townsend, the matter is remanded to the trial court with instructions to amend the abstract of judgment to reflect the imposition of a two-year concurrent sentence as to counts VI and VII, to award 276 days of custody credits, and to forward the corrected abstract of judgment to the Department of Corrections. Stevens, J. We Concur: Jones, P.J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, June 26, 2000

Division Two

**A083665 -- City and County of San Francisco v. Tony Tijerino.**

The trial court's order setting aside the judgment declaring respondent to be the father of the minor child is reversed. Appellant is entitled to costs on appeal. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

**A086988 -- Jack Trad v. San Francisco Board of Permit Appeals et al.**

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P. J., Ruvolo, J. (Not for Publication.)

Division Three

**A087121 -- Richard Frazer et al. v. Realty World-Selzer Realty et al.**

The appeal from the June 18, 1998 written dismissal order is dismissed. The trial court's April 20, 1999 order is affirmed. Bogner and Selzer shall recover their costs on appeal. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A085908 -- Catherine Haley v. Ione Conlan.**

The judgment is affirmed with respect to the attorney fees awarded to compensate Conlan for the fees incurred in defending the contract action and reversed as to the fees awarded for defense of the tort causes of action. The matter is remanded to the trial court with instructions to determine the amount of attorney fees relating to the defense of the contract cause of action in conformity with this decision. Each party is to bear its own costs. Walker, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

Monday, June 26, 2000 (continued)

**A085964, A086486 -- The People v. James Eddie Johnson.**

The trial court is directed to amend the abstract of judgment in Case No. SC43122A to reflect 330 days of presentence custody credit, consisting of 220 days of actual custody credit and 110 days of conduct credit. The trial court is directed to amend the abstract of judgment in Case No. SC42598A to reflect 18 days of presentence custody credit, consisting of 12 days of actual custody credit and 6 days of conduct credit. The trial court shall forward copies of the amended abstracts of judgment to the Department of Corrections. In all other respects, the judgments are affirmed. Walker, J. We Concur: Corrigan, Acting P. J. , Parrilli, J. (Not for Publication.)

**A086453 -- Williams Sexton et al. v. Eric Dahl.**

The judgment is affirmed. As sanctions for bringing this frivolous appeal and unreasonably violating the governing procedural rules, Dahl and his appellate counsel, Gregory G. Dahl, are jointly and severally liable to pay \$65,959 to the Sextons. These sanctions shall be paid no later than 15 days after the date the remittitur is filed.

Attorney Gregory G. Dahl and the clerk of this court are each ordered to forward a copy of this opinion to the State Bar upon return of the remittitur. (Bus. & Prof. Code, §§ 6086.7, subd. (c) & 6068, subd. (o)(3).)

To the extent they are not encompassed in the sanctions award, the Sextons shall recover their costs on appeal. Walker, J. We concur: McGuiness, P. J., Parrilli, J. (Not for Publication.)

Division Four

**A087683 -- The People v. Patrick William Pierce.**

The judgment is affirmed. Reardon, J. We concur: Hanlon, P. J. Poché, J. (Not for Publication.)

**A088256 -- Evelyn D. Russell v. Rafael Mallari et al.**

The judgment is reversed with costs to plaintiff. Hanlon, P. J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

June 26, 2000 (continued)

**A088671 -- In re John Lamar G., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and placing him outside his mother's home is affirmed. Sepulveda, J. We concur: Hanlon, P. J., Reardon, J.

Division Five

**A089125 -- Jacqueline Bradley v. Brenda Bellard.**

The order of the trial court is affirmed. Stevens, J. We concur: Jones, P. J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**A090923 -- Phoebe N. v. The Superior Court of Del Norte County, Del Norte County Department of Health and Social Services, R.P.I.**

The order to show cause is discharged, and the petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (I).) Because the section 366.26 hearing is set for July 14, 2000, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(a).) Stevens, J. We Concur: Jones, P.J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

June 26, 2000 (continued)

**A088671 -- In re John Lamar G., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and placing him outside his mother's home is affirmed. Sepulveda, J. We concur: Hanlon, P. J., Reardon, J.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, June 27, 2000

Division One

**A087099 -- Bay City Investors, L.P. et al. v. Margo Van Ness et al.**

The orders dismissing respondents from the cross-action are reversed. The rulings that the motions to strike are moot are likewise reversed. This matter is remanded to the trial court for further proceedings. The parties will bear their own costs on appeal. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

**A086018 -- Griffin Dix et al. v. Beretta U.S.A. Corp.**

The judgment is affirmed. The order denying the motion for new trial is reversed. The matter is remanded to the trial court to determine if juror Bell in fact prejudged the case or concealed bias during voir dire such that the motion for new trial should be granted. Each party will bear its own costs on appeal. Stein, J. We Concur: Strankman, P.J., Swager, J. (Not for Publication.)

**A088237 -- Wayne L. Leslie v. Martin Leung.**

The judgment is affirmed. Marchiano, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

**A082818 -- The People v. Zachary H. Calhoun, Jr., et al.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P. J., Haerle, J. (Not for Publication.)

**A086858 -- Harold A. Julien v. Civil Service Commission, County of Alameda.**

The judgment is affirmed. Kline, P. J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)



Tuesday ,June 27, 2000 (continued)

**A086760, A086927 Mariquita West, M.D. v. The Superior Court of San Francisco County; Medical Board of California, R.P.I.**

The appeal is dismissed. The order to show cause is discharged and the petition for extraordinary writ is denied. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

**A089801 -- In re Christopher S., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A088754 -- Deni Havercroft v. California Department of Social Services.**

The judgment is reversed. Costs on appeal are awarded to appellant. Stevens, J. We concur: Jones, P. J., Kramer, J.\* (Not for Publication.)

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, June 27, 2000

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., and Reardon, J.; Channing Hoo and Pamela Aguilar, Deputy Clerks. Each counsel in the following cases waived Justice Sepulveda's presence on the bench.

A087637      Regents of the University of the California et al.

v.

Superior Court, Alameda County

Mary F. Singleton et al.

Cause called. Jim Boddy argued for petitioners. James C. Sturdevant argued for real parties. Cause submitted.

A085237      People

v.

Leon Carthen

Cause called. Jonathan Soglin argued for appellant Carthen. Kelly Cross argued for respondent. Cause submitted.

A088306      Laurence Nasey et al.

v.

Department of Consumer Affairs

Cause called. Gerald Murphy argued for appellants Nasey et al.. Carol Romeo argued for respondent. Cause submitted.

The Court adjourned at 10:34 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, June 28, 2000

Division One

**A089442 -- In re the Marriage of Vadim and Natalia Nemechayeff.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J.,  
Marchiano, J. (Not for Publication.)

**A085602 -- The People v. Murray Carter.**

By the Court: The petition for rehearing is denied. Strankman, P.J.

**A088966 -- The People v. Emmanuel Saye Wondeh.**

The judgment is affirmed. Marchiano, J. We concur: Strankman, P.J.,  
Swager, J. (Not for Publication.)

Division Two

**A091538 -- In re Earnest Harris on Habeas Corpus.**

By the Court: The petition for writ of habeas corpus is denied. Haerle,  
Acting P. J.

**A090830 -- Seyfarth, Shaw, Fairweather & Geraldson et al. v. The  
Superior Court of San Francisco County; Anthony Rutledge, R.P.I.**

By the Court: The petition for writ of mandate is denied. Haerle, Acting P.  
J.

**A088198 -- The People v. Justin Cherry.**

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J.  
(Not for Publication.)

Wednesday, June 28, 2000 (continued)

**A089884 -- The People v. Gloria Marie Nelson.**

The judgment is affirmed. Haerle, Acting P. J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

**A088222 -- In re Manuel F. et al., Persons Coming Under the Juvenile Court Law.**

(Order Modifying Opinion and Denying Rehearing; No Change in Judgment.) By the Court: It is ordered that the opinion filed herein on May 30, 2000, be modified as follows: (SEE ORDER.)

The is no change in the judgment.

Appellant's petition for rehearing is denied. McGuiness, P.J. ((Not for Publication.)

**A085217 -- The People v. Mills-Peninsula Health Services; Sutter Health.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A083293 -- The People v. Johnnie Simon, III.**

The matter is remanded to the trial court with directions to amend the abstract of judgment to delete the stayed two-year term enhancement and to reflect the fifteen-year minimum parole eligibility provided by section 186.22, subdivision (b)(4). In all other respects the judgment and sentence are affirmed. Walker, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A086167 -- In re Laron M., a Person Coming Under the Juvenile Court Law.**

The juvenile court's jurisdictional and dispositional orders are affirmed. Walker, J. We Concur: Corrigan, Acting P. J., Parrilli, J. (Not for Publication.)

Wednesday, June 28, 2000 (continued)

**A087828 -- The Regents of the University of California v. Mary Louise Kenefick.**

The judgment is reversed. Each party to bear its own cost. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

Division Four

**A086076 -- The People v. Robert Amezcua.**

**A086129 -- The People v. Robert Amezcua.**

**A086418 -- The People v. Martin Bueno.**

Amezcua's judgment is remanded for resentencing (A086129). In all other respects, the judgments are affirmed. Reardon, J. We Concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A086189 -- Daniel Eysie v. Zacson Corporation.**

The judgment is reversed. Sepulveda, J. We Concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**A087102 -- GT Auto and Transmission et al. v. Director of Consumer Affairs et al.**

For all the foregoing reasons, the order of the trial court denying GT's petition for writ of mandate is affirmed in its entirety. Sepulveda, J. We Concur: Hanlon, J., Reardon, J. (Not for Publication.)

Division Five

**A087573 -- Patrick R. McMahon v. Pier 39 Limited Partnership.**

**A088454 -- Patrick R. McMahon v. Pier 39 Limited Partnership et al.**

The judgments and orders of the trial court are affirmed. The request for imposition of sanctions on appeal is denied. Stevens, J. We Concur: Jones, P.J., Kramer, J.\*

\*Judge of the San Francisco Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, June 29, 2000

Division One

**A087903 -- The People v. Michael Villa.**

The appeal is dismissed. Stein, Acting P.J. We Concur: Swager, J., Marchiano, J. (Not for Publication.)

Division Two

**A086602 -- George Krusi et al v. S.J. Amoroso Construction Co., Inc., et al.**

By the Court: It is ordered that the opinion filed herein on June 23, 2000, be modified as follows: (SEE ORDER)

This modification does not effect a change in the judgment. Haerle, J. (Certified for Publication.)

**A086768 -- In re John L., a Person Coming Under the Juvenile Court Law.**

We affirm on the issue of the court's sentence of John to CYA. But the matter is remanded to the juvenile court for an express declaration of whether each wobbler was a felony or misdemeanor. The sentence for taking and driving of the vehicle is stayed pursuant to Penal Code section 654, the stay to become permanent upon our decision becoming final and completion of the sentence on each "wobbler." Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Thursday, June 29, 2000 (continued)

Division Three

**A088194 -- In re the Marriage of Lisa and Denez Batiza.**

The judgment is affirmed. Appellant to bear costs of appeal. Although we affirm the judgment, we do not find the appeal frivolous. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

**A084119 -- The People v. Stephanie Rochelle Jackson.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A086834 -- Whites Creek Land & Development Inc. et al. v. Patricia Austen et al.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A084484 -- Marc Andaya v. Police Commission of the City and County of San Francisco.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

**A087293, A088484 -- Estate of Louis Joseph, Deceased.**

All orders appealed herein are reversed with instructions to issue an intestate distribution order. James C. Joseph shall recover costs on appeal. Walker, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, June 30, 2000

Division One

**A089462 -- In re the Marriage of Edward M. Shields and Millie Miller.**

The order is reversed insofar as it transfers title to the Hawkins Bar property to Shields, and credits Miller with \$7,200 as the net proceeds of a sale of that property should it be sold at the listed price. In all other respects the order is affirmed. Each party will bear its own costs of appeal. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A087394 -- People v. Alladin Pangilinan.**

The judgment of conviction is affirmed. Respondent, however, concedes that appellant improperly was sentenced to two, rather than one, eight-month terms in addition to his sentence of 25 years to life, doubled, for Count V, the murder of Sonny Ago. The abstract of judgment is amended to state a sentence of 50 years and eight months on Count V. Stein, J. We Concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

Division Two

**A089042 -- The People v. Chris Richard Immel.**

The fine imposed and suspended pursuant to section 1202.45 is stricken. The judgment is otherwise affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A089802 -- In re Jonathan R., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. Kline, P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)



Friday, June 30, 2000 (continued)

**A085439 -- The People v. Timothy John Connors.**

The judgment of the trial court is affirmed. Ruvolo, J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Division Three

**A083198 -- The People v. Raffey Michael James.**

(Order Modifying Opinion; No Change in Judgment.) By the Court: On the court's own motion, the opinion filed on June 9, 2000, is modified as follows: (SEE ORDER).

There is no change in the judgment. Corrigan, Acting P.J. (Certified for Partial Publication.)

**A087570 -- William R. Grecian v. Unity House et al.**

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Walker, J. (Not for Publication.)

**A088969 -- The People v. Surriell Duane Briggs.**

The judgment is affirmed. This matter is remanded to the trial court for correction of the abstract of judgment, as set forth in part II.B., *supra*. McGuinness, P.J. We Concur: Corrigan, J., Walker, J. (Not for Publication.)

**A085242 -- The People v. Tery Ty Griffey.**

Affirmed. Walker, J. We Concur: McGuinness, P.J., Corrigan, J. ((Not for Publication.)

**A084322 -- The People v. Arthur Ray Jennings.**

**A087469 -- In re Arthur Ray Jennings.**

The petition for writ of habeas corpus is denied. The judgment is affirmed. McGuinness, P.J. We Concur: Parrilli, J., Walker, J. (Certified for Partial Publication.)